

FILED
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF NC

OCT 04 1996

J. BARON GROSHON
BY: Jub

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

In re)
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PROCEDURES IN AID OF)
THE ADMINISTRATION OF)
CHAPTER 13 PLANS)
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ADMINISTRATIVE ORDER
SETTING PROCEDURE FOR
TRUSTEES' MODIFICATION
OF PLANS INCIDENT TO THE
FILING OF PRE-PETITION
TAX CLAIMS

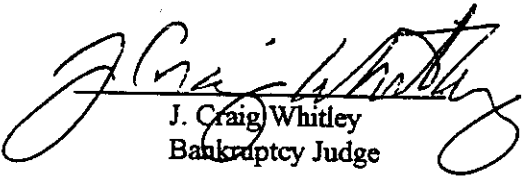
The Court having considered this matter and it appearing that proofs of claim for pre-petition tax liabilities are frequently filed in the Chapter 13 cases administered by the standing trustees in this District, and that many of such proofs of claim are filed for amounts substantially in excess of those scheduled by the debtors in their Chapter 13 petitions, and that the inclusion of such proofs of claim for payment pursuant to the debtors confirmed plans will often necessitate the filing by the trustees of motions to modify the debtors' plans pursuant to 11 USC Section 1329, and it further appearing that due to the substantial volume of such proofs of claim that the trustees must file and set for hearing on notice a large number of motions to modify plans, and that the resulting costs impose a substantial administrative burden on the trustees' office operations,

And the Court concluding that an expedited process should be adopted to facilitate the modification of Chapter 13 plans to accommodate such proofs of claim so as to reduce the administrative costs to the trustees,

Based upon the foregoing, IT IS HEREBY ORDERED that in any Chapter 13 case where the filing of a pre-petition proof of claim for tax liabilities necessitates the modification of the debtor's confirmed plan, the trustee may proceed to make the necessary plan modification and provide written notice of the same to the debtor and the debtor's attorney; PROVIDED, that if the trustee in his discretion determines that the required plan modification is such that it should be allowed only after the filing and service of a formal motion to modify plan with such notice as is appropriate, he may elect to do so.

Dated this the 1 day of October 1996.


George R. Hodges
Bankruptcy Judge


J. Craig Whitley
Bankruptcy Judge

Marvin R. Wooten
Bankruptcy Judge